

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NORRIS HOLDER,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:03CV00923 ERW
)	
UNITED STATES OF AMERICA,)	
)	
Defendant(s).)	

CERTIFICATE OF APPEALABILITY

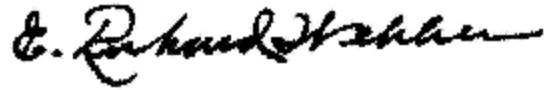
In accordance with the Memorandum and Order of this Court filed on this date and incorporated herein,

IT IS HEREBY ORDERED that a certificate of appealability is issued on the following claims:

- Violation of the Fifth Amendment indictment clause;
- Ineffective assistance of counsel:
 - counsel advised Petitioner to testify, making Petitioner eligible for the death penalty (12(C)(b)),
 - counsel conceded in opening statement and closing argument Petitioner's role in the underlying robbery, making him eligible for the death penalty (12(C)(c)),
 - counsel failed to retain a ballistic expert (12(C)(d)),
 - counsel failed to investigate Petitioner's mental condition (12(C)(f)),
 - counsel's failure to object to second statutory aggravator (12(C)(i)).

A certificate of appealability is not issued on any of Petitioner's remaining claims.

So Ordered this 22nd Day of July, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE